

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAY MICHAUD,

Defendant.

CASE NO. CR15-5351RJB

ORDER REGARDING HEARINGS

It is appropriate to plan for the hearing set at 9:30 a.m. on January 22, 2016.

Accordingly, the court ORDERS as follows:

The requests of both parties to modify the schedule now set (Dkts. 115, 123, and 124) are  
DENIED.

The court will hear argument on the Defendant's Third Motion to Compel (Dkt. 115) on  
January 22, 2016, and will consider the necessity for further scheduling on that motion.

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1 The court is uncomfortable with the number of documents sealed in this case. Counsel  
2 should review the sealed documents, meet and confer, and advise the court at the Pretrial  
3 Conference set for February 5, 2016, whether any documents can be fully or partially unsealed.

4 For the hearing on January 22, 2016, the court hereby adopts the following agenda:

- 5 1) Arraignment on Superseding Indictment.
- 6 2) Brief argument on the Motion to Compel (Dkt. 115).
- 7 3) Brief argument on the Motion for a Franks hearing (Dkt. 65).
- 8 4) Brief argument on the Motion to Dismiss (Dkt. 50).
- 9 5) Evidentiary hearing (if necessary) and argument on the Motions to Suppress  
10 (Dkts. 26, 50, & 65).

11 If plaintiff's counsel anticipates presentation of testimony, before 3:00 p.m. on Thursday,  
12 January 21, 2016, a list of proposed witnesses and an estimate of the expected duration of  
13 evidence presentation should be filed.

14 The court is interested in the following issues regarding the suppression motions:

- 15 1) Was the NIT a search? If so, when and where?
- 16 2) If the NIT authorizing warrant had been issued by a District Judge, what role, if  
17 any, would FRCP 41 play?
- 18 3) What is the relationship between 18 U.S.C. § 3103 and FRCP 41 and 18 U.S.C. §  
19 3103a, as applied to the facts here?
- 20 4) If FRCP 41 was violated, what is the appropriate remedy?
- 21 5) All issues that counsel believes are important.

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1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
2 to any party appearing *pro se* at said party's last known address.

3 Dated this 20th day of January, 2016.

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6 ROBERT J. BRYAN  
7 United States District Judge  
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